

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,

v.

MOTOROLA, INC., et al.,
Defendants.

No. C10-1823-JLR

REDACTED
DECLARATION OF CHRISTOPHER
WION IN SUPPORT OF MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
DECLARATION

NOTED FOR:
Friday, December 2, 2011

MOTOROLA MOBILITY, INC., et al.,
Plaintiffs,

v.

MICROSOFT CORPORATION,
Defendant.

I, Christopher T. Wion, hereby declare as follows:

1. I am an attorney at the law firm of Danielson Harrigan Leyh & Tollefson LLP,
counsel for Microsoft Corporation in the above-captioned matter, and have personal
knowledge of the facts stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of

REDACTED

REDACTED
DECLARATION OF CHRISTOPHER WION IN
SUPPORT OF MOTION FOR LEAVE TO FILE
SUPPLEMENTAL DECLARATION - I

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX. (206) 623-8717

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4 **REDACTED**
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9 3. Attached hereto as Exhibit 2 is a true and correct copy of a letter dated
10 November 30, 2011 that I sent to counsel for Motorola, requesting a copy of the attachment to

11 **REDACTED**

12 I declare under penalty of perjury under the laws of the State of Washington that the
13 foregoing is true and correct.

14 DATED this 2nd day of December, 2011, at Seattle, Washington.
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16 
17 CHRISTOPHER T. WION
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REDACTED
DECLARATION OF CHRISTOPHER WION IN
SUPPORT OF MOTION FOR LEAVE TO FILE
SUPPLEMENTAL DECLARATION - 2

LAW OFFICES
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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and General Instrument Corporation

Philip S. McCune
Lynn M. Engle
Summit Law Group

Steven Pepe
Jesse J. Jenner
Norman Beamer
Paul M. Schoenhard
Ropes & Gray



Susie Clifford

EXHIBIT 1

(Filed Under Seal)

EXHIBIT 2
(Redacted, Original
Filed Under Seal)

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
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SEATTLE, WASHINGTON 98104
(206) 623-1700

CHRIS WION

FACSIMILE: (206) 623-8717
E-MAIL: CHRISW@DHLLT.COM

November 30, 2011

VIA E-MAIL

Philip S. McCune
Summit Law Group
315 Fifth Ave. South, Suite 1000
Seattle, WA 98104-2682

RE: *Microsoft Corporation v. Motorola, et al.*

Dear Phil:

REDACTED

See Ex. 9 to
the Declaration of Timothy Kowalski (the "Kowalski Declaration") filed this past Monday,
November 28, in response to Microsoft's Motion for Leave to File the Supplemental Declaration
of Christopher Wion (the "Motion for Leave"). The License Offer itself is:

REDACTED

The License Offer is responsive to a number of Microsoft's outstanding discovery
requests in the above-captioned matter, including at least the following Requests for Production
issued on January 19, 2011:

REQUEST FOR PRODUCTION NO. 19: Produce all documents, including but
not limited to communications, referring or relating to Your granting of a license
to any Person relating to patents or patent applications You believed or asserted
were essential or necessary to practicing any of the Applicable Standards.

REQUEST FOR PRODUCTION NO. 20: Produce all documents, including but
not limited to communications, referring or relating to any offer You have made
to any Person to grant a license relating to patents or patent applications You

Philip S. McCune
November 30, 2011
Page 2

believe are essential or necessary to practicing any of the Applicable Standards where no license has been granted on the offered terms.

REQUEST FOR PRODUCTION NO. 21: Produce all documents reflecting the royalties You have charged, are currently charging, or have proposed or offered to licensees for the Applicable Technologies.


During the parties' November 10, 2011 meet and confer, we noted that Motorola's production of documents relating to licenses and licensing negotiations was incomplete and requested supplementation. Counsel for Motorola indicated that responsive documents would be produced. While we recognize that the License Offer was generated *after* the parties' recent meet and confer, it is obviously non-privileged and responsive to the RFPs referenced above.

In its opposition to Microsoft's Motion for Leave, Motorola represented that Microsoft had failed to provide a "complete" history of the licensing negotiations between Motorola and Marvell relating to the License Offer. As Motorola elected not to submit the License Offer along with its various other submissions, Microsoft would like the opportunity to evaluate whether the License Offer should be submitted along with its reply in support of the Motion for Leave, which is due on Friday, December 2.

Accordingly, please produce the License Offer by no later than 10:00 a.m. PST, on Friday, December 2, 2011.

Very truly yours,

DANIELSON HARRIGAN LEYH & TOLLEFSON LLP

A handwritten signature in black ink, appearing to read "Chris Wion", written over a horizontal line.

Chris Wion

CW:lb